

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

SEP 25 2006

PATENT APPLICATION

ATTORNEY DOCKET NO. 10003227-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert E. Haines

Confirmation No.: 3806

Application No.: 09/738,795

Examiner: Thierry L. Pham

Filing Date: 12/13/2000

Group Art Unit: 2624

Title: A Consumable Management Device, an Image Forming System, and A Method of
Replenishing an Imaging Consumable

Mail Stop
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond.
() New fee as calculated below () Supplemental Declaration
() No additional fee
(X) Other: Corrected Appeal Brief (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

(X) I hereby certify that this paper is being transmitted
to the Patent and Trademark Office facsimile
number (571) 273-8300 on 09/25/2006
Number of pages: 27

Typed Name: Natalie King

Signature:

Robert E. Haines

By

James D. Shaurette

Attorney/Agent for Applicant(s)

Reg. No. 39,833

Date:

9/25/06

Telephone No.: (509) 624-4276

Rev 12/04 (TrnAmFax)

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

RECEIVED

SEP 25 2006

PATENT APPLICATION

ATTORNEY DOCKET NO. 10003227-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert E. Haines

Confirmation No.: 3806

Application No.: 09/738,795

Examiner: Thierry L. Pham

Filing Date: 12/13/2000

Group Art Unit: 2624

Title: A Consumable Management Device, an Image Forming System, and A Method of
Replenishing an Imaging Consumable

Mail Stop
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee
(X) Other: Corrected Appeal Brief (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Robert E. Haines

By

James D. Shaurette

Attorney/Agent for Applicant(s)

Reg. No. 39,833

Date:

9/25/06

(X) I hereby certify that this paper is being transmitted
to the Patent and Trademark Office facsimile
number (571) 273-8300 on 09/25/2006
Number of pages: 27

Typed Name: Natalie King

Signature:

SEP 25 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/738,795
Filing Date.....December 13, 2000
Inventor.....Robert E. Haines
Assignee.....Hewlett-Packard Development Company, L.P.
Group Art Unit 2624
Examiner..... T. Pham
Attorney's Docket No. PDNO. 10003227-1
Confirmation No..... 3806
Title: Consumable Management Device, An Image Forming System, And A
Method Of Replenishing An Imaging Consumable

BRIEF OF APPELLANT

To: Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

From: James D. Shaurette (Tel. 509-624-4276; Fax 509-838-3424)
Wells, St. John, P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3817

Appellant appeals from the Office Action mailed March 8, 2006 (hereinafter "Office Action" or "Action"). The Commissioner is authorized to charge the fee required under 37 C.F.R. § 41.20(b)(2) to Deposit Account No. 08-2025.

PDNO. 10003227-1
Serial No. 09/738,795
Brief of Appellant

-i-

+ TABLE OF CONTENTS

I.	<u>REAL PROPERTY IN INTEREST</u>	1
II.	<u>RELATED APPEALS AND INTERFERENCES</u>	1
III.	<u>STATUS OF CLAIMS</u>	1
IV.	<u>STATUS OF AMENDMENTS</u>	1
V.	<u>SUMMARY OF CLAIMED SUBJECT MATTER</u>	1
VI.	<u>GROUND OF REJECTION TO BE REVIEWED ON APPEAL</u>	3
VII.	<u>ARGUMENT</u>	3

A. Positively recited limitations of claims 1, 3-4, 7-9, 11, 13-14, 16-17, and 19-32 are not disclosed nor suggested by the prior art reference Hayward and the anticipation rejection is improper for at least this reason.....3

B. Positively recited limitations of claims 2, 10 and 15 are not disclosed nor suggested by the prior art references Hayward and Hogge and the obviousness rejection is improper for at least this reason.....5

C. Positively recited limitations of claims 3 and 16 are not disclosed nor suggested by the prior art reference Hayward and the anticipation rejection is improper for at least this reason.....7

D. Positively recited limitations of claims 4, 11, and 17 are not disclosed nor suggested by the prior art reference Hayward and the anticipation rejection is improper for at least this reason.....8

E. There is insufficient motivation to combine the teachings of Hogge with the teachings of Hayward and the obviousness rejection of claims 5, 12 and 18 is improper for at least this reason.....8

*PDNO. 10003227-1
Serial No. 09/738,795
Brief of Appellant*

-ii-

F.	Positively recited limitations of claims 8 and 20 are not disclosed nor suggested by the prior art reference Hayward and the anticipation rejection is improper for at least this reason.....	11
G.	Positively recited limitations of claims 21, 23 and 25 are not disclosed nor suggested by the prior art reference Hayward and the anticipation rejection is improper for at least this reason.....	12
H.	Positively recited limitations of claims 22, 24 and 26 are not disclosed nor suggested by the prior art reference Hayward and the anticipation rejection is improper for at least this reason.....	12
I.	Positively recited limitations of claims 27, 29 and 31 are not disclosed nor suggested by the prior art reference Hayward and the anticipation rejection is improper for at least this reason.....	13
J.	Conclusion.....	14
VIII.	<u>CLAIMS APPENDIX</u>	A-1
IX.	<u>EVIDENCE APPENDIX</u>	B-1
X.	<u>RELATED PROCEEDINGS APPENDIX</u>	C-1

PDNO. 10003227-1
Serial No. 09/738,795
Brief of Appellant

RECEIVED
CENTRAL FAX CENTER

1

SEP 25 2006

I. REAL PARTY IN INTEREST

The real party in interest of this application is Hewlett-Packard Development Company, L.P. as evidenced by the full assignment of the pending application to Hewlett-Packard Company recorded starting at Reel 011701, Frame 0111, and the full assignment to Hewlett-Packard Development Company, L.P. recorded starting at Reel 014061, Frame 0492, in the Assignment Branch of the Patent and Trademark Office. The Hewlett-Packard Development Company, L.P., is a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

Appellant, Appellant's undersigned legal representative, and the assignee of the pending application are aware of no appeals or interferences which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 1-32 are pending. Claims 1-32 stand rejected. Appellant appeals the rejections of claims 1-32.

IV. STATUS OF AMENDMENTS

No amendments have been filed after the Office Action mailed March 8, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Concise explanations of the subject matter defined in each of the independent claims and argued dependent claims involved in the appeal follow with respect to exemplary illustrative embodiments of the specification and figures.

Referring to independent claim 1, one example of a consumable management device is illustrated with respect to Fig. 4 and described in the associated

PDNO. 10003227-1
Serial No. 09/738,795
Brief of Appellant

specification teachings of page 8, lines 20+ of the originally filed application. Processing circuitry 44 and interface 50 are shown in the depicted example.

Referring to dependent claims 2, 10, and 15, generation of a second message in the form of a list including second designations is described in one embodiment at page 13, lines 3+ of the specification of the originally-filed application.

Referring to dependent claims 3 and 16, generation of a second message including quantity information is described at page 14, lines 14+ of the originally-filed specification in one embodiment.

Referring to dependent claims 4, 11 and 17, email communications and inclusion of a second designation as an attachment of the email is described at page 14, lines 26+ of the specification in one embodiment.

Referring to dependent claims 5, 12 and 18, one embodiment utilizing manufacturer part numbers and customer part numbers is described at page 11, lines 25+ of the specification.

Referring to dependent claims 8 and 20, one embodiment disclosing communication of second messages at a predetermined moment in time is described at page 13, lines 26+ of the specification.

Referring to independent claim 9, an example of an image forming device is described with respect to Figs. 1-3 of the originally-filed application and one example of a consumable management device is illustrated with respect to Fig. 4 and described in the associated specification teachings of page 8, lines 20+ of the originally filed application.

Referring to independent claim 14, a flow chart of Fig. 5 depicts an example of the claimed method including the claimed receiving, converting, generating and communicating according to one embodiment

Referring to dependent claims 21, 23 and 25, one example describing the claimed entities is set forth at page 9, lines 24+ of the originally-filed specification.

Referring to dependent claims 22, 24 and 26, utilization of plural designations for different entities is described at page 11, lines 25+ of the originally-filed specification.

*PDNO. 10003227-1
Serial No. 09/738,795
Brief of Appellant*

SEP 25 2006

Referring to dependent claims 27, 29 and 31, one example of the forwarding second messages responsive to a predetermined status of an imaging consumable is described at page 14, lines 3+ of the originally filed application.

VI. GROUND S OF REJECTION TO BE REVIEWED ON APPEAL

A. The 102 rejection of claims 1, 3-4, 7-9, 11, 13-14, 16-17, and 19-32 over Hayward.

B. The 103 rejection of claims 2, 10 and 15 over Hayward and Hogge.

C. The 102 rejection of claims 3 and 16 over Hayward.

D. The 102 rejection of claims 4, 11, and 17 over Hayward.

E. The 103 rejection of claims 5, 12 and 18 over Hayward and Hogge.

F. The 102 rejection of claims 8 and 20 over Hayward.

G. The 102 rejection of claims 21, 23 and 25 over Hayward.

H. The 102 rejection of claims 22, 24 and 26 over Hayward.

I. The 102 rejection of claims 27, 29 and 31 over Hayward.

VII. ARGUMENT

A. Positively recited limitations of claims 1, 3-4, 7-9, 11, 13-14, 16-17, and 19-32 are not disclosed nor suggested by the prior art reference Hayward and the anticipation rejection is improper for at least this reason.

Referring to the anticipation rejections, Applicant notes the requirements of MPEP 52131 (8th ed., rev. 3), which states that TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM. The identical

PDNO. 10003227-1
Serial No. 09/738,795
Brief of Appellant